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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

International Application of:
University of Virginia Patent Foundation

International Application No.:
PCT/US00/14482
(International Publication WO 00/72679)

Attorney Docket No.:
9426-023-228

Filed:
May 25, 2000

For: OSTEONECTIN BASED TOXIC
GENE THERAPY FOR THE
TREATMENT OF CALCIFIED
TUMORS AND TISSUES

**PETITION TO REVIVE ABANDONED
NATIONAL STAGE APPLICATION UNDER 37 C.F.R. §1.137(b)**

Attn: PCT Legal Office
BOX PCT
Assistant Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231

Dear Sir:

Pursuant to Rule 137, this petition is filed to revive the United States national stage of the above-captioned International Application. Enclosed herewith are the materials required by 35 U.S.C. §371(c) and 37 C.F.R. §1.495, which include: a transmittal letter with provision for the national fee as set forth in 35 U.S.C. §41(a); a copy of the international application and search report; and an unexecuted declaration of the inventors under 37 C.F.R. §1.497.

The above-captioned International Application was filed on May 25, 2000, designating several countries, including the United States. The application published as WO 00/72679 on December 7, 2000. On December 20, 2000, a Demand for the International Preliminary Examination was filed, moving the deadline for the commencement of United States national stage proceedings to November 28, 2001. Patent Cooperation Treaty, Article 39(1)(a).

During a review of their files, Attorneys for Applicants discovered that the materials and fee required by 35 U.S.C. §371(c) and 37 C.F.R. §1.495, through inadvertent error, were never filed in the United States Patent and Trademark Office, even though Applicants intended to file this national application. It is therefore believed that the national

stage of the above-captioned International Application was unintentionally abandoned. *See Manual of Patent Examining Procedure* (Rev. 1, Feb. 2000), §1893.02. The entire delay in filing these materials from the due date for their filing until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional. This petition is being submitted within one (1) year from the date of abandonment.

Pursuant to 37 C.F.R. §1.137(b), applicant submits herewith a Cover Letter and a Transmittal Letter To The United States Designated/Elected Office submitting the following documents:

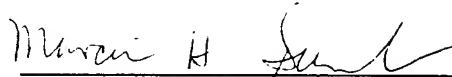
- a copy of the International Application PCT/US00/14482 filed May 25, 2000;
- an unexecuted Declaration;
- a copy of the International Search Report;
- the Sequence Listing in paper and computer readable form;
- an Information Disclosure Statement along with a PTO-Form 1449 and the listed references; and
- the required fees including the basic national fee of \$1,458.00 and the petition fee of \$1,280.00.

Applicants respectfully request the grant of this petition, and the entry of the enclosed materials into the file of the national stage of the above-captioned International Application.

A fee of approximately \$1,280.00, as set forth in 37 C.F.R. §1.17(m), is estimated to be due for this petition. Please charge any required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

Respectfully submitted,

Date February 27, 2002



Marcia H. Sundeen

Reg. No. 30,893

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Enclosures